

**FILED  
UNDER  
SEAL**

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UNITED STATES DISTRICT COURT  
District of Nevada

UNITED STATES OF AMERICA,) )  
Plaintiff, ) )  
 ) )  
 v. ) )  
 ) )  
JOHNNY TOVAR ) )  
Defendant ) )

Case No. 2:16-cr-00291-GMN-PAL-4

PETITION FOR ACTION  
ON CONDITIONS OF  
PRETRIAL RELEASE

Attached hereto and expressly incorporated herein is a Petition for Action on Conditions of Pretrial Release concerning the above-named defendant prepared by Kelly A. Bowen U. S. Pretrial Services Officer. I have reviewed that Petition and believe there is sufficient credible evidence which can be presented to the Court to prove the conduct alleged, and I concur in the recommended action requested of the Court.

Dated this 1<sup>st</sup> day of November, 2018.

DAYLE ELIESON  
United States Attorney

By /S/  
ROBERT KNIEF  
Assistant U. S. Attorney

PS 8  
(Revised 12/04)

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF NEVADA**

U.S.A. vs. JOHNNY TOVAR

Docket No. 2:16-cr-00291-GMN-PAL-4

Petition for Action on Conditions of Pretrial Release

COMES NOW KELLY A. BOWEN, UNITED STATES PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Johnny Tovar, who was placed under pretrial release supervision by Your Honor on September 30, 2016, on a Personal Recognizance Bond with the following conditions:

1. Pretrial Services Supervision.
2. Travel is restricted to Clark County, Nevada.
3. Maintain or actively seek lawful and verifiable employment and notify Pretrial Services prior to any change.
4. The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapons.
5. The defendant shall avoid all contact directly or indirectly with codefendant unless it is in the presence of counsel.
6. The defendant shall avoid all contact directly or indirectly with any person who may become a victim or potential witness.
7. Do not be in the presence of anyone using or possessing controlled substances.
8. Submit to drug testing as directed by Pretrial Services and pay costs based upon ability.
9. Refrain from the use or possession of controlled substances.

On November 22, 2016, Your Honor granted the order to modify his conditions of release by adding the following condition:

1. Submit to a substance abuse assessment and participate in any recommended treatment at the discretion of the Pretrial Services Office and pay associated costs based upon ability to do so.

On August 27, 2018, the defendant made his initial appearance on revocation of Pretrial Release before Your Honor, and was ordered continued on his present conditions of release with the following added conditions:

1. The defendant shall undergo medical or psychiatric treatment.
2. The defendant shall submit to a mental health evaluation as directed by Pretrial Services or the supervising officer.
3. The defendant shall pay all or part of the cost of the medical or psychiatric treatment program or evaluation based upon his/her ability to pay as determined by Pretrial Services or the supervising officer.

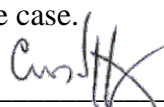
**Respectfully presenting petition for action of Court and for cause as follows:**

1. On August 28, 2018, the defendant submitted a positive test for marijuana.
2. On September 7, 2018, September 20, 2018 and September 26, 2018 the defendant failed to appear for a drug test as required.
3. On September 28, 2018, the defendant submitted a positive test for marijuana.
4. On October 3, 2018, the defendant submitted a positive test for marijuana.
5. On October 9, 2018, the defendant failed to report as directed to submit a drug test.
6. On October 10, 2018, the defendant submitted a drugs test, which had low specific gravity and was unable to be tested.
7. On October 11, 2018, the defendant submitted a positive drug test for marijuana.
8. On October 19, 2018, the defendant submitted a positive test for marijuana.
9. On October 23, 2018, the defendant admitted to using CBD gummies on October 3, 2018 or October 4, 2018.
10. On October 25, 2018, the defendant admitted to using CBD gummies over the prior weekend.
11. On October 29, 2018, the defendant submitted a positive drug test for marijuana.

**PRAYING THAT THE COURT WILL ORDER THAT A WARRANT BE ISSUED BASED UPON THE ALLEGATIONS OUTLINED ABOVE. FURTHER, THAT A HEARING BE SET TO SHOW CAUSE WHY PRETRIAL RELEASE SHOULD NOT BE REVOKED.**

ORDER OF COURT

Considered and ordered this 1st day of November 2018, and ordered filed and made a part of the records in the above case.

  
\_\_\_\_\_  
Honorable Carl W. Hoffman Jr.  
U.S. Magistrate Judge

I declare under penalty of perjury that the information herein is true and correct.  
Executed on this 1st day of November 2018.

Respectfully Submitted,

  
\_\_\_\_\_  
Kelly A. Bowen

U.S. Pretrial Services Officer  
Place: Las Vegas, Nevada